UNITED STATES DISTRICT COURT DISTRICT OF MINNESOTA

IN RE: Bair Hugger Forced Air Warming Products Liability Litigation	MDL No. 15-2666 (JNE/FLN)
This Document Relates to All Actions.	SHORT FORM COMPLAINT AND
PLAINTIFF(S)	JURY TRIAL DEMAND
James Shevitski	
VS.	
3M COMPANY AND ARIZANT HEALTHCARE, INC.	
Plaintiff, James Shevitski, sta 15-2666, entitled In Re: Bair Hugger Forced	tes and brings this civil action in MDL No. Air Warming Products Liability Litigation.
Plaintiff(s) [is/are] filing this Short Form Com	plaint as permitted by Pretrial Order #8 of this
Court.	
PARTIES, JURISDIC	CTION AND VENUE
2. Plaintiff, James Shevitski, is	s a resident and citizen of the State of
Pennsylvania and claims damages as set for	orth below.
3. Plaintiff Spouse,	, is a resident and citizen of the State of
, and claims damages as s	et forth below. [Cross out Spousal Claim if
not applicable.]	
4. Jurisdiction is proper based upor	diversity of Citizenship.
5. Proper Venue: The District Cou	rt in which remand trial is proper and where

this Complaint would have been filed absent the direct filing order by this Court is

United States District Court, Middle District of Pennsylvania
6. Plaintiff brings this action [check the applicable designation]:
X On behalf of [himself/herself];
In a representative capacity as the of the
having been duly appointed as the
by theCourt of
A copy of the Letters of Administration for a wrongful death claim is
annexed hereto if such letters are required for the commencement of
such a claim by the Probate, Surrogate or other appropriate court of the
jurisdiction of the decedent.
{Cross out if not applicable.}
FACTUAL ALLEGATIONS
7. On or about <u>5/7/2013</u> , Plaintiff underwent surgery during which
the Bair Hugger Forced Air Warming system (hereinafter õBair Huggerö) was used during
the course and scope of [his/her] knee replacement [type of surgery] at the
Evangelical Community Hospital - one hospital drive [medical center and address], in
Lewisburg, PA [city and state], by Dr. Charles Cole
8. Contaminants introduced into Plaintiff øs open surgical wound as a direct and

- proximate result of use of the Bair Hugger during the subject surgery resulted in Plaintiff developing a periprosthetic joint infection (õPJIö), also known as a deep joint infection (õDJIö). The pathogen identified was ______ (*if known*).
 - 9. As a result of Plaintiffos infection caused by the Bair Hugger, Plaintiff has

undergone X	Describe treatment(s) received, e.g.,		
revision arth	roplasty, wound vac treatment, multiple staged procedures, etc.] on or about Geisinger Shamokin Area Community Hospital		
5/15/2013	, at [medical center(s) and		
address(es)]	by Dr(s) [Cross out if not applicable.]		
ALLEGATIONS AS TO INJURIES			
10.	(a) Plaintiff claims damages as a result of (check all that are applicable):		
x	INJURY TO HERSELF/HIMSELF		
	INJURY TO THE PERSON REPRESENTED		
	WRONGFUL DEATH		
	SURVIVORSHIP ACTION		
	ECONOMIC LOSS		
	(b) Plaintiff spouse claims damages as a result of (check all that are		
applic	eable): [Cross out if not applicable.]		
	LOSS OF SERVICES		
	_ LOSS OF CONSORTIUM		
11.	Defendants, by their actions or inactions, proximately caused the injuries to		
Plaintiff(s).			
<u>DEFENI</u>	DANT-SPECIFIC ALLEGATIONS AND THEORIES OF RECOVERY		
12.	The following claims and allegations are asserted by Plaintiff(s) and are herein		
adopted by re	eference (check all that are applicable):		
x	FIRST CAUSE OF ACTION - NEGLIGENCE;		
<u>x</u>	SECOND CAUSE OF ACTION - STRICT LIABILITY;		
	X FAILURE TO WARN		

	x DEFECTIVE DESIGN AND MANUFACTURE
<u>x</u>	THIRD CAUSE OF ACTION 6 BREACH OF EXPRESS WARRANTY;
<u>x</u>	FOURTH CAUSE OF ACTION- BREACH OF IMPLIED WARRANTY OF MERCHANTBILITY LAW OF THE STATE OF Pennsylvania, 13 §§ 2A212;
<u>x</u>	FIFTH CAUSE OF ACTION- VIOLATION OF THE MINNESOTA PREVENTION OF CONSUMER FRAUD ACT;
<u>x</u>	SIXTH CAUSE OF ACTION 6 VIOLATION OF THE MINNESOTA DECEPTIVE TRADE PRACTICES ACT;
<u>x</u>	SEVENTH CAUSE OF ACTION- VIOLATION OF THE MINNESOTA UNLAWFUL TRADE PRACTICES ACT;
<u>x</u>	EIGHTH CAUSE OF ACTION- VIOLATION OF THE MINNESOTA FALSE ADVERTISING ACT;
<u>x</u>	NINTH CAUSE OF ACTION- CONSUMER FRAUD AND/OR UNFAIR AND DECEPTIVE TRADE PRACTICES UNDER LAW OF THE STATE OF Pennsylvania , 73 P.S. §§ 201-1 ;
<u>x</u>	TENTH CAUSE OF ACTION 6 NEGLIGENT MISREPRESENTATION;
<u>x</u>	ELEVENTH CAUSE OF ACTION- FRAUDULENT MISREPRESENTATION;
<u>x</u>	TWELFTH CAUSE OF ACTION 6 FRAUDULENT CONCEALMENT;
	THIRTEENTH CAUSE OF ACTION 6 LOSS OF CONSORTIUM; and
<u>x</u>	FOURTEENTH CAUSE OF ACTION 6 UNJUST ENRICHMENT.

In addition to the above, Plaintiff(s) assert the following additional causes of action under applicable state law:

Punitive Damages, Common Law Fraud, Constructive Fraud, Gross Negligence, and		
Negligent Infliction of Emotional Distress		

[Cross out if not applicable.]

PRAYER FOR RELIEF

WHEREFORE, Plaintiff(s) pray for judgment against Defendants as follows:

- 1. For compensatory damages;
- 2. Pre-judgment and post-judgment interest;
- 3. Statutory damages and relief of the state whose laws will govern this action;
- 4. Costs and expenses of this litigation;
- 5. Reasonable attorneysøfees and costs as provided by law;
- 6. Equitable relief in the nature of disgorgement;
- 7. Restitution of remedy Defendantsøunjust enrichment; and
- 8. All other relief as the Court deems necessary, just and proper.

JURY DEMAND

Pursuant to Federal Rule of Civil Procedure 38(b), Plaintiff(s) hereby demand(s) a trial by jury as to all claims in Complaint so triable.

Dated: 11/4/2024

Respectfully submitted,

/s/ Charles H. Johnson

Charles H. Johnson

Bar No. 50696

Attorney for Plaintiff

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